

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

REVEREND FRANKLIN C. REAVES,	)	
	)	
Plaintiff,	)	
	)	Civil Action No.: 4:04-1543-TLW
vs.	)	
	)	
LEVONE GRAVES, individually; MISTY	)	
L. LEWIS, individually; RUSSELL BASS,	)	
individually; and CHARLES WATSON,	)	
individually,	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

The *pro se* plaintiff, Reverend Franklin C. Reaves (“plaintiff”) filed a complaint on May 14, 2004. (Doc.#1). On July 22, 2004, defendants Russell Bass (“Bass”) and Charles Watson (“Watson”) filed a Motion to Dismiss, or in the alternative, to Set Aside Default and to Permit the Enlargement of Time to Answer or Otherwise Respond. (Doc. #11). On August 19, 2004, United States Magistrate Judge Thomas E. Rogers, III, issued an order Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4<sup>th</sup> Cir. 1975), advising petitioner of the motion to dismiss procedures and the possible consequences if he failed to respond adequately. (Doc. #17). The plaintiff was advised that a failure to respond to defendants’ Motion to Dismiss could result in dismissal of his Complaint. Plaintiff did not respond to the Motion.

On February 11, 2005, the magistrate judge entered a Report and Recommendation (Doc. #18) recommending that the Motion to Dismiss be granted in part and denied in part. Specifically, the magistrate judge recommended that Defendants’ Motion to Dismiss the complaint for

insufficiency of process be denied but that the process be quashed and plaintiff be allowed fifteen (15) days to perfect service of process. The undersigned reminded the parties of the provisions of Rule 4(d)(2) of the Federal Rules of Civil Procedure relating to waiver of service. Neither plaintiff nor defendants filed objections to the report. On March 3, 2005, the undersigned entered an Order (Doc. #19) adopting the Report and Recommendation, denying in part the Motion to Dismiss the complaint for insufficiency of process, quashing the attempted service of process upon defendants Bass and Watson and allowing the plaintiff fifteen (15) days to properly perfect service of process upon defendants Bass and Watson. The undersigned reminded the parties of the provisions of Rule 4(d)(2) of the Federal Rules of Civil Procedure relating to waiver of service.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by Judge Rogers, to whom this case had previously been assigned. (Doc. #46). In the Report, Magistrate Judge Rogers recommends that the District Court dismiss the complaint according to Rule 4(m) of the Federal Rules of Civil Procedure and Rule 41 (b) of the Federal Rules of Civil Procedure for failure to prosecute and/or failure to comply with orders of the court. Ballard v. Carlson, 882 F.2d 93 (4<sup>th</sup> Cir.1989), cert. denied 493 U.S. 1084 (1990) and Chandler Leasing Corp. v. Lopez, 669 F.2d 919 (4<sup>th</sup> Cir. 1982). The Report and Recommendation was filed by Magistrate Judge Rogers on July 19, 2007. (Doc. #46). The plaintiff’s objections to the Report were due on August 7, 2007. The plaintiff has filed no objections to the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this

Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED** (Doc. #46) and the plaintiff's complaint dismissed pursuant to Rules 4 (m) and 41 (b) of the Federal Rules of Civil Procedure.

**IT IS SO ORDERED.**

S/Terry L. Wooten

Terry L. Wooten  
United States District Judge

September 12, 2007  
Florence, South Carolina